

# SUMMONS (CITACION JUDICIAL)

SUM-100

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

COUNTY OF LOS ANGELES, a government entity; LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, a government entity; LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH, a government entity; ROBERT G. LUNA, individually and in his Official Capacity as Sheriff of Los Angeles County; ALEX VILLANUEVA, individually and in his Official Capacity as Sheriff of Los Angeles County; and DOES 1 through 50, inclusive,

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
5/22/2024 9:08 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

## YOU ARE BEING SUED BY PLAINTIFF:

### (LO ESTÁ DEMANDANDO EL DEMANDANTE):

GRACE RUBIO, individually for herself and as successor-in-interest of ERICK RUBIO, deceased; and RICHARD CASTANEDA, individually for himself and as successor-in-interest of ERICK RUBIO, deceased,

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Los Angeles Superior Court

CASE NUMBER:  
(Número del Caso): 24STCV12835

Stanley Mosk Courthouse  
111 N. Hill Street, Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Law Offices of Ramin R. Younessi, 3435 Wilshire Blvd., Suite 2200, Los Angeles, CA 90010, (210) 480-6200

DATE: 05/22/2024  
(Fecha) David W. Slayton, Executive Officer/Clerk of Court

Clerk, by  
(Secretario) S. Bolden

2024 JUN - 13  
DEPUTY CLERK  
COUNTY OF LOS ANGELES  
FILED

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

## NOTICE TO THE PERSON SERVED: You are served

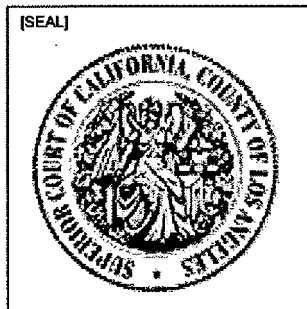
- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

County of Los Angeles, a government entity

- ☒ on behalf of (specify):

- |  |   |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation)         | <input type="checkbox"/> CCP 416.60 (minor)             |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)       |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |

- ☒ other (specify): Public Entity
- ☒ by personal delivery on (date): 6-4-24



# SUMMONS (CITACION JUDICIAL)

SUM-100

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CASE NUMBER:  
(Número del Caso): 24STCV12835

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Law Offices of Ramin R. Younessi, 3435 Wilshire Blvd., Suite 2200, Los Angeles, CA 90010, (210) 480-6200

DATE: 05/22/2024  
(Fecha)

David W. Slayton, Executive Officer/Clerk of Court

Clerk, by  
(Secretario)

S. Bolden

Deputy  
(Adjunto)

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## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☒ other (specify):

4. ☒ by personal delivery on (date):

Los Angeles County Department of  
Mental Health, a government entity  
Public Entity

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

[SEAL]



Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
5/21/2024 5:12 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By Y. Ayala, Deputy Clerk

Ramin R. Younessi, Esq. (SBN 175020)  
**LAW OFFICES OF RAMIN R. YOUNESSI**  
**A PROFESSIONAL LAW CORPORATION**  
3435 Wilshire Boulevard, Suite 2200  
Los Angeles, California 90010  
Telephone: (213) 480-6200  
Facsimile: (213) 480-6201

Attorney for Plaintiffs,  
GRACE RUBIO, individually for herself and as successor-in-interest of ERICK RUBIO, deceased; and  
RICHARD CASTANEDA, individually for himself and as successor-in-interest of ERICK RUBIO,  
deceased

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

GRACE RUBIO, individually for herself and as  
successor-in-interest of ERICK RUBIO,  
deceased; and RICHARD CASTANEDA,  
individually for himself and as successor-in-  
interest of ERICK RUBIO, deceased,

Plaintiff,

v.

COUNTY OF LOS ANGELES, a government  
entity; LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT, a government entity; LOS  
ANGELES COUNTY DEPARTMENT OF  
MENTAL HEALTH, a government entity;  
ROBERT G. LUNA, individually and in his  
Official Capacity as Sherriff of Los Angeles  
County; ALEX VILLANUEVA, individually  
and in his Official Capacity as Sherriff of Los  
Angeles County; and DOES 1 through 50,  
inclusive,

Defendants.

Case No. **24STCV12835**

**COMPLAINT FOR DAMAGES FOR:**

1. **DENIAL OF MEDICAL CARE (42 U.S.C. § 1983);**
2. **FALSE IMPRISONMENT (42 U.S.C. § 1983);**
3. **VIOLATION OF SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983);**
4. **DENIAL OF MEDICAL CARE (GOVT. CODE § 845.6);**
5. **VIOLATION OF THE TOM BANE CIVIL RIGHTS ACT (CIV. CODE § 52.1);**
6. **FALSE IMPRISONMENT (GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW);**
7. **UNNECESSARY DELAY IN RELEASING INMATE (GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW);**
8. **BATTERY (GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW);**
9. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW);**
10. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (GOV. CODE § 815.2);**
11. **NEGLIGENCE (GOV. CODE § 815.2);**
12. **NEGLIGENT HIRING / SUPERVISION / RETENTION OF EMPLOYEE (GOV. CODE § 815.2); AND**
13. **WRONGFUL DEATH & SURVIVAL;**

**DEMAND OVER \$35,000**  
**[DEMAND FOR JURY TRIAL]**

1 COMES NOW PLAINTIFFS, GRACE RUBIO, individually for herself and as successor-in-  
2 interest of ERICK RUBIO, deceased; and RICHARD CASTANEDA, individually for himself and as  
3 successor-in-interest of ERICK RUBIO, deceased, and for causes of action against the Defendants and  
4 each of them, alleges as follows:

5  
6 **JURISDICTION**

7 1. This Court is the proper court, and this action is properly filed in Los Angeles County,  
8 because Defendants' liability arises therein.

9  
10 **THE PARTIES**

11 2. Plaintiff, GRACE RUBIO ("RUBIO"), is and at all times relevant hereto was a resident  
12 of the County of Los Angeles, State of California.

13 3. Plaintiff, RICHARD CASTANEDA ("CASTANEDA"), is and at all times relevant hereto  
14 was a resident of the County of Los Angeles, State of California.

15 4. RUBIO is that natural mother of decedent Erick Rubio ("DECEDENT"). RUBIO is  
16 DECEDENT's surviving heir-at-law. DECEDENT left no issue. RUBIO is the successor-in-interest of  
17 DECEDENT and succeeds to DECEDENT's causes of action against Defendants named herein because  
18 there is no personal representative of the estate of DECEDENT.

19 5. CASTANEDA is that natural father of decedent Erick Rubio ("DECEDENT").  
20 CASTANEDA is DECEDENT's surviving heir-at-law. DECEDENT left no issue. CASTANEDA is the  
21 successor-in-interest of DECEDENT and succeeds to DECEDENT's causes of action against Defendants  
22 named herein because there is no personal representative of the estate of DECEDENT.

23 6. Plaintiffs are informed and believe, and thereon allege, that Defendant COUNTY OF LOS  
24 ANGELES (hereinafter "COUNTY") is a governmental entity operating under the laws of the State of  
25 California and County of Los Angeles, and owns, operates, manages, directs, and controls the LOS  
26 ANGELES COUNTY SHERIFF'S DEPARTMENT ("LASD") and LOS ANGELES COUNTY  
27 DEPARTMENT OF MENTAL HEALTH ("LACDMH"), both operating departments or administrative  
28 subdivisions of the COUNTY. Defendants COUNTY, LASD and LACDMH are "persons" subject to



1 suit within the meaning of Title 42, U.S.C. § 1983 and applicable cases interpreting it, including *Monell*  
2 *v. New York Dept. of Social Serv.*, 436 U.S. 658 (1978).

3 7. Defendant COUNTY is now, and all relevant times, has been responsible for the hiring,  
4 training, and supervision of the conduct of their employees, including LASD and LACDMH and all of  
5 its deputies and members. At all relevant times herein, Defendant COUNTY was responsible for assuring  
6 that the actions, conduct, policies, procedures, and customs of their LASD deputies and LACDMH  
7 medical practitioners complied with, *inter alia*, the laws and Constitutions of the United States and the  
8 State of California. Plaintiffs are informed and believe and therefore allege that Defendant COUNTY is  
9 responsible for implementing, maintaining, sanctioning, or condoning policies, customs and practices  
10 under which the wrongful or illegal acts hereinafter complained of occurred. As alleged herein,  
11 Defendants COUNTY, LASD and LACDMH are liable for DECEDENT's and Plaintiffs' damages by  
12 reason of their policies, customs and practices, failure to train, deliberate indifference and/or ratification.

13 8. Defendant ROBERT G. LUNA ("LUNA" or "SHERIFF") is the duly-elected Sheriff of  
14 Los Angeles County that was elected to that position on November 8, 2022. LUNA was sworn in as  
15 Sheriff on December 5, 2022. LUNA is now and at all relevant times herein was employed by COUNTY  
16 as the Sheriff of the LASD and is sued in his individual and official capacities. On information and belief,  
17 LUNA was at all relevant times a resident of the County of Los Angeles, State of California. LUNA is  
18 sued in both his individual and official capacities.

19 9. Defendant ALEX VILLANUEVA ("VILLANUEVA" or "SHERIFF") is the former duly-  
20 elected Sheriff of Los Angeles County that was elected to that position on November 4, 2018.  
21 VILLANUEVA was sworn in as Sheriff on December 3, 2018 and remained in that position until  
22 December 5, 2022. VILLANUEVA at all relevant times herein was employed by COUNTY as the Sheriff  
23 of the LASD and is sued in his individual and official capacities. On information and belief,  
24 VILLANUEVA was at all relevant times a resident of the County of Los Angeles, State of California.  
25 VILLANUEVA is sued in both his individual and official capacities.

26 10. The true names and capacities, whether individual corporate, associate or otherwise, of  
27 Defendants DOES 1 through 50, inclusive, is unknown to Plaintiffs, who therefore sue said Defendants  
28

1 by such fictitious names, and Plaintiffs will seek leave of Court to amend this Complaint to show the true  
2 names and capacities thereof when the same have been ascertained.

3 11. Plaintiffs are informed and believe, and thereon allege, that each of the Defendants  
4 designated herein as a DOE is responsible, negligently or in some other manner for the events and  
5 happenings herein referred to, and thereby proximately caused injuries and damages to Plaintiffs as  
6 alleged herein.

7 12. Defendants at all times mentioned herein were the agents, servants, employees, partners,  
8 members, shareholders, officers, directors, joint ventures, and alter egos of each other, and in doing or  
9 failing to do the things hereinafter mentioned were acting within the purpose and scope of their agency  
10 and employment and with the knowledge and consent of each other.

11 13. As used herein the term "Defendants" means all Defendants, both jointly and severally,  
12 and references by name to any named Defendants shall include all Defendants, both jointly and severally.

13 14. The true names and capacities, whether individual, corporate, associate, or otherwise, of  
14 the Defendants named herein as DOES 1-50, inclusive, are unknown to Plaintiffs at this time and  
15 therefore said Defendants are sued by such fictitious names. Plaintiffs will seek leave to amend this  
16 complaint to insert the true names and capacities of said Defendants when the same become known to  
17 Plaintiffs. Plaintiffs are informed and believe, and based thereupon allege, that each of the fictitiously  
18 named Defendants is responsible for the wrongful acts alleged herein and is therefore liable to Plaintiffs  
19 as alleged hereinafter.

20 15. Plaintiffs are informed and believe, and based thereupon allege, that at all times relevant  
21 hereto, Defendants, and each of them, were the agents, employees, managing agents, supervisors,  
22 coconspirators, parent corporation, joint employers, alter egos, successors, and/or joint ventures of the  
23 other Defendants, and each of them, and in doing the things alleged herein, were acting at least in part  
24 within the course and scope of said agency, employment, conspiracy, joint employer, alter ego status,  
25 successor status and/or joint venture and with the permission and consent of each of the other Defendants.

26 16. Plaintiffs are informed and believe, and based thereupon allege, that Defendants, and each  
27 of them, including those Defendants named as DOES 1-50, acted in concert with one another to commit  
28 the wrongful acts alleged herein, and aided, abetted, incited, compelled and/or coerced one another in the

1 wrongful acts alleged herein, and/or attempted to do so. Plaintiffs are further informed and believe, and  
2 based thereupon allege, that Defendants, and each of them, including those Defendants named as DOES  
3 1-50, and each of them, formed and executed a conspiracy or common plan pursuant to which they would  
4 commit the unlawful acts alleged herein, with all such acts alleged herein done as part of and pursuant to  
5 said conspiracy, intended to cause and actually causing Plaintiffs harm.

6 17. Whenever and wherever reference is made in this complaint to any act or failure to act by  
7 a Defendants or co-Defendants, such allegations and references shall also be deemed to mean the acts  
8 and/or failures to act by each Defendants acting individually, jointly and severally.

9  
10 **ALTER EGO, AGENCY, AND SUCCESSOR**

11 18. Plaintiffs are informed and believe, and based thereon allege, that despite the formation of  
12 purported corporate existence, Defendants and DOES 1-50 are, in reality, one and the same, including,  
13 but not limited to because:

14 a. Plaintiffs are informed and believe, and based thereon allege, that despite the  
15 formation of purported corporate existence, Defendants and DOES 1-50 are, in reality, one and the same,  
16 including, but not limited to because.

17 b. DOES 1-50 and each Defendants derive actual and significant monetary benefits  
18 by and through Defendants unlawful conduct, and by using Defendants as the funding source for their  
19 own personal expenditures.

20 c. Plaintiffs are informed and believe, and based thereon allege, that Defendants and  
21 DOES 1-50, while really one and the same, were segregated to appear as though separate and distinct for  
22 purposes of perpetrating a fraud, circumventing a statute, or accomplishing some other wrongful or  
23 inequitable purpose.

24 d. Plaintiffs are informed and believe, and based thereon allege, that Defendants and  
25 DOES 1-50 do not comply with all requisite corporate formalities to maintain a legal and separate  
26 corporate existence.

27 e. Plaintiffs are informed and believe, and based thereon allege, that the business  
28 affairs of Defendants and DOES 1-50 are, and at all times relevant were, so mixed and intermingled that

1 the same cannot reasonably be segregated, and the same are in inextricable confusion. Defendants is, and  
2 at all times relevant hereto was, used by DOES 1-50 and each other Defendants as mere shells and  
3 conduits for the conduct of certain of Defendants' affairs, and is, and was, the alter ego of DOES 1-50  
4 and each other Defendants.

5 19. The recognition of the separate existence of Defendants and DOES 1-50 from one another  
6 would not promote justice, in that it would permit Defendants to insulate themselves from liability to  
7 Plaintiffs. The corporate existence of Defendants and DOES 1-50 should be disregarded in equity and for  
8 the ends of justice because such disregard is necessary to avoid fraud and injustice to Plaintiff herein.

9 20. Accordingly, Defendants and DOES 1-50 constitute the alter egos of one another, and  
10 the fiction of their separate corporate existence must be disregarded.

11 21. Alternatively, Plaintiffs are informed and believe, and based thereon allege, that as and  
12 between DOES 1-50 and Defendants, (1) there is an express or implied agreement of assumption pursuant  
13 to which DOES 1-50 agreed to be liable for the debts of Defendants, (2) the transaction between DOES  
14 1-50 and Defendants amounts to a consolidation or merger of the two corporations, (3) DOES 1-50 is a  
15 mere continuation of Defendants, or (4) the transfer of assets to DOES 1-50 is for the fraudulent purpose  
16 of escaping liability for Defendants debts. Accordingly, DOES 1-50 are the successors of Defendants  
17 and are liable on that basis.

### 18 FACTUAL ALLEGATIONS

19 22. At all relevant times herein, all wrongful acts described were performed under the color  
20 of state law and/or in concert with or on behalf of those acting under the color of state law.

21 23. DECEDENT was born on January 21, 1995, and was twenty-eight (28) years old at the  
22 time he lost his life.

23 24. DECEDENT struggled with mental health issue during the course of his life, including  
24 diagnosed mental health conditions for which he was prescribed medications.

25 25. DECEDENT periodically experienced mental health episodes and issues related to his  
26 mental disability.

27 ///



1           26.     DECEDENT's mental disability substantially limited major life activities, including the  
2 ability to care for himself, concentrate, think, and communicate. For example, DECEDENT's mental  
3 disability sometimes caused him to become paranoid, easily confused, defensive, agitated, stressed,  
4 fearful, and anxious. DECEDENT sometimes experienced difficulty processing relayed information and  
5 verbalizing his own thoughts, feelings, and intentions. DECEDENT was known to act irrationally when  
6 exhibiting symptoms of his mental disability.

7           27.     On or about February 17, 2020, DECEDENT was experiencing symptoms of his mental  
8 disability, including confusion and paranoia, and was wandering the neighborhood at or near 1900  
9 Royalty Drive, Pomona, CA 91767 when he was alleged to have vandalized the property at this location.  
10 Specifically, DECEDENT was caught on video surveillance footage breaking a window, destroying a  
11 sprinkler system, damaging a directory board, and vandalizing other property located at or near this  
12 address.

13           28.     On April 27, 2021 DECEDENT was arrested by Pomona Police Department on charges  
14 of Vandalism pursuant to Penal Code § 594(a) and placed into the custody of LASD.

15           29.     Thereafter, a Los Angeles County Superior Judge ordered the commitment of  
16 DECEDENT at Metropolitan State Hospital in Norwalk, California due to his mental disability.

17           30.     On March 13, 2023, DECEDENT's then-counsel filed a Motion to properly re-calculate  
18 DECEDENT's maximum commitment date, based upon his charges and time served. The Court held that  
19 DECEDENT's maximum date of commitment against his will was May 27, 2023 based on the maximum  
20 sentence of imprisonment DECEDENT could receive had he been convicted of the most serious offense  
21 for which he was charged – in this case a felony charge of violating Penal Code § 594 (Vandalism).

22           31.     Defendant COUNTY, including LASD and LACDMH, were actually and constructively  
23 aware and on notice as to DECEDENT's aforementioned maximum date of commitment. Metropolitan  
24 State Hospital sent written notice to COUNTY requiring that COUNTY, by and through its various  
25 departments (including LASD and LACDMH), take custody of DECEDENT prior to his maximum date  
26 of commitment of May 27, 2023.

27           32.     On or about May 1, 2023, DECEDENT was returned to the custody of Defendant LASD  
28 and LACDMH. DECEDENT was prescribed various medications by the Metropolitan State Hospital, of

1 which LASD and LACDMH were well aware of when they accepted custody, care and control of  
2 DECEDENT on May 1, 2023. Additionally, Defendants LASD and LACDMH were in receipt of  
3 discharge instructions from Metropolitan State Hospital regarding after care instructions and the need for  
4 continuation of DECEDENT's medications.

5 33. Thereafter, DECEDENT was not given proper medical care by COUNTY and its various  
6 departments, including LASD and LACDMH, who are responsible for the administration of healthcare  
7 to inmates within its custody.

8 34. Thereafter, DECEDENT was placed in the "High Observation Unit" of the Los Angeles  
9 County Jail and classified as a suicide risk. The COUNTY's various departments, in particular the LASD  
10 and LACDMH, owed DECEDENT a duty of care as set forth hereinbelow.

11 35. As of May 27, 2023 (DECEDENT's maximum commitment date for the Vandalism  
12 charge), no guardianship, conservatorship, or other legal status existed that would legally prevent  
13 DECEDENT's release from custody. Further, no petitions had been filed by the COUNTY or the  
14 Metropolitan State Hospital to extend any commitment or incarceration. DECEDENT was not released  
15 and unlawfully remained in custody on a Vandalism charge more than two (2) years after his arrest.

16 36. While in the custody of the COUNTY, DECEDENT sustained severe injuries, was denied  
17 visitation with family, and ultimately died while in custody of COUNTY and LASD on June 6, 2023 after  
18 being found unresponsive in his cell. The Medical Examiner's ruling regarding the cause of death is  
19 alleged to be "Asphyxia." The manner of death was unable to be determined. The Deputy Medical  
20 Examiner deemed the "apparent mode" of death as either "Suicide" or "Accident." Toxicology results  
21 indicate that the DECEDENT was not medicated according to the aftercare instructions and medication  
22 list provided by Metropolitan State Hospital upon discharge.

23 37. According to the Autopsy Report pertaining to DECEDENT, the autopsy findings show  
24 that DECEDENT had abrasions/bruises on his forehead, nose, and lips; petechiae on his left sclera,  
25 conjunctiva, and upper chest; abrasions/bruises to his left armpit; and small abrasions/cuts on his left-  
26 hand knuckles.

27 38. Defendant COUNTY, including LASD and LACDMH, charged with the care of inmates  
28 within the COUNTY's custody, failed to release DECEDENT upon his maximum date of commitment,

1 despite there being no lawful reason not to release him, and it is only because of Defendants' failure to  
2 release DECEDENT to the care of his family that he died on June 6, 2023.

3 39. On October 6, 2023, Plaintiffs, through their attorneys of record herein, submitted a Public  
4 Records Act request to Defendant LASD pursuant to Article I, § 3, of the California Constitution and the  
5 California Public Records Act ("CPRA"), and California Government Code § 6250, *et seq.* Plaintiffs'  
6 CPRA request (PRA No. 23-2069) sought various records pertaining to DECEDENT that include, but  
7 are not limited to:

- 8 a. Any and all records relating to or in any way referring to the death of an inmate  
9 occurring at a County Correctional facility on June 6, 2023, including but not limited  
10 to reports, draft reports, notes, and notes of verbal communications. This request is  
11 meant to be interpreted broadly and includes a request for any records that refer to a  
12 death in custody, critical incident, DIC, or any other term or phrase reasonably  
13 interpreted to be referencing the death of an inmate within County custody that  
14 occurred on June 6, 2023.
- 15 b. Any and all communications by or to any County employee, elected official, or  
16 representative (other than privileged legal communications) that occurred on any date  
17 from June 6, 2023 to the date of production of the public records, relating to or in any  
18 way referring to the death of an inmate occurring on June 6, 2023 at a County  
19 Correctional facility, including but not limited to: emails, text messages, instant  
20 messages, voicemails, notes of telephone or verbal communications, to the extent that  
21 any of these communications occurred utilizing County resources such as County  
22 computers, County emails, County computer servers, cell phones issued to employees,  
23 elected officials, or representatives of the County, computers or cell phones belonging  
24 to employees, elected officials, or representatives of the County of the County that  
25 have ever been used to conduct any County business.
- 26 c. Any and all records, reports, draft reports, or other documents that relate to or reference  
27 an individual by the name of Erick Rubio who's date of birth is January 21, 1995. This  
28 request is meant to be interpreted broadly and includes a request for all responsive

1 records whether or not the individual's full name or date of birth is identified in said  
2 records and includes a request for all records that can reasonably be interpreted to be  
3 referencing Mr. Rubio.

- 4 d. Any and all communications by or to any County employee, elected official, or  
5 representative (other than privileged legal communications) that occurred on any date  
6 from April 27, 2021 to the date of production of the public records, that relate to or  
7 reference an individual by the name of Erick Rubio who's date of birth is January 21,  
8 1995, including but not limited to emails, text messages, instant messages, voicemails,  
9 notes of telephone or verbal communications, to the extent that any of these  
10 communications occurred utilizing County resources such as County computers,  
11 County emails, County computer servers, cell phones issued to employees, elected  
12 officials, or representatives of the County, and computers, tablets, cell phones, or other  
13 devices belonging to employees, elected officials, or representatives of the County that  
14 have ever been used to conduct any County business.
- 15 e. Any and all documents reflecting the total number of inmates housed at the Twin  
16 Towers Correctional Facility from May 1, 2023 to June 30, 2023.
- 17 f. Any and all documents reflecting the total number of inmates assigned to each  
18 individual housing unit at Twin Towers Correctional Facility from May 1, 2023 to the  
19 date of production of the records requested.
- 20 g. Any and all documents reflecting the County's policies and/or procedures for  
21 designation or classification of inmates in County custody that were in effect at any  
22 time in 2023.
- 23 h. Any and all documents reflecting the County's policies and procedures relating to for  
24 designation of an inmate as requiring or undergoing Mental Health treatment that were  
25 in effect at any time in 2023.
- 26 i. Any and all documents reflecting the County's policies and procedures with respect to  
27 the High Observation Housing unit that were in effect at any time in 2023.

28 ///



- j. Any and all documents reflecting the total number of County correctional staff on duty at Twin Towers Correctional Facility on each day between May 1, 2023 and June 7, 2023, inclusive.
- k. Any and all documents reflecting the total number of County medical staff on duty at Twin Towers Correctional Facility on each day between May 1, 2023 and June 7, 2023, inclusive.
- l. Any and all records reflecting the total number of correctional staff on duty in each housing unit at Twin Towers Correctional Facility for each shift from May 1, 2023 through June 7, 2023, inclusive.
- m. Any and all documents reflecting the number of all County employees, their classifications, and assigned stations/housing units at the Twin Towers Correctional Facility for each shift from May 1, 2023 through June 7, 2023, inclusive.
- n. Any and all non-privileged information relating to any internal investigation or inquiry conducted by the County or its departments with respect to the death of an inmate that occurred on June 6, 2023.

40. To date, Plaintiffs nor their counsel of record herein have received *any* documents from Defendant LASD in response to Plaintiffs' CPRA request (PRA No. 23-2069), in violation of Article I, § 3, of the CPRA, and California Government Code § 6250, *et seq.*

41. It should be noted that DECEDENT's family, including Plaintiffs, have conducted an independent autopsy and await the results thereof at this time. Investigation is ongoing and the possibility of additional intentional conduct being taken against DECEDENT remains, and Plaintiffs will seek leave of Court to amend this Complaint to plead the same if and when such facts become known to Plaintiffs.

42. Defendants were negligent in carrying out its duties and responsibilities owed to DECEDENT, including but not limited to proper staffing levels at the correctional facility, proper staff training at the correctional facility, frequent and effective safety checks as required by law, proper housing, proper inventory and safety inspections of all items within DECEDENT's cell, particularly while classified as a "High Observation" inmate or while deemed a suicide risk, proper routine medical care, and proper emergency medical response.

1           43.     The cause of DECEDENT's death is the intentional, willful, and malicious conduct taken  
2 against DECEDENT, including false imprisonment and violation of DECEDENT's civil rights as set  
3 forth herein, in addition to the grossly negligent, willful, and malicious failure to provide DECEDENT  
4 with the standard of care owed him while in custody.

5           44.     But for Defendants' conduct, action, or inaction, this otherwise physically healthy 28-  
6 year-old man arrested for the non-violent offense of Vandalism would still be alive today.

7  
8                   **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9           45.     On November 30, 2023, a Claim for Damages to Person or Property pursuant to California  
10 Government Code § 911.2 was filed with COUNTY on behalf of DECEDENT.

11           46.     On November 30, 2023, Plaintiff RUBIO, on behalf of herself and as successor-in-interest  
12 to DECEDENT, filed with the COUNTY her Claims for Damages to Person or Property pursuant to  
13 California Government Code § 911.2.

14           47.     On December 1, 2023, Plaintiff CASTANEDA, on behalf of himself and as successor-in-  
15 interest to DECEDENT, filed with the COUNTY his Claims for Damages to Person or Property pursuant  
16 to California Government Code § 911.2.

17           48.     The COUNTY has failed to adequately respond to DECEDENT and Plaintiffs' claims as  
18 of the date of filing the present Complaint.

19  
20                   **FIRST CAUSE OF ACTION**

21                   **DENIAL OF MEDICAL CARE (42 U.S.C. § 1983)**

22                   **AGAINST ALL DEFENDANTS**

23           49.     Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
24 though set forth in full herein.

25           50.     Defendants failed to provide the necessary mental health and medical care to DECEDENT  
26 despite him being a suicide risk, being advised he should be under suicide watch, and exhibiting at risk  
27 behavior. Defendants further failed to provide adequate safety checks and provide adequate mental health  
28 services to further evaluate DECEDENT's mental health. Further, while in the custody of Defendants,

1 DECEDENT sustained severe injuries, was denied visitation with family, and ultimately died while in  
2 custody of Defendants on June 6, 2023 after being found unresponsive in his cell. Moreover, toxicology  
3 results indicate that the DECEDENT was not medicated according to the aftercare instructions and  
4 medication list provided by Metropolitan State Hospital upon discharge.

5 51. Accordingly, Defendants failed to provide DECEDENT with reasonable medical care, in  
6 violation of the Fourth Amendment (as incorporated through the Fourteenth Amendment) to the U.S.  
7 Constitution.

8 52. Defendants' actions and inactions were motivated by evil motive or intent, involved  
9 reckless or callous indifference to rights, or were wantonly or oppressively done.

10 53. DECEDENT was injured as a direct and proximate result of Defendants' actions and  
11 inactions, entitling Plaintiffs to receive compensatory damages against Defendants.

12 54. By virtue of their misconduct, Defendants are liable for DECEDENT's injuries, either  
13 because these Defendants were integral participants in the denial of DECEDENT's medical care, or  
14 because they failed to intervene to prevent these violations.

15 55. Defendants knew that failure to provide timely medical treatment to DECEDENT could  
16 result in further significant injury or the unnecessary and wanton infliction of pain, but nevertheless  
17 disregarded his serious medical needs, causing him great bodily harm, physical pain and suffering, and  
18 emotional pain and suffering.

19 56. Plaintiffs, by this action, further claim all of their attorneys' fees and costs incurred and to  
20 be incurred in Plaintiffs presenting, maintaining and prosecuting this action under 42 U.S.C. § 1988.

21  
22 **SECOND CAUSE OF ACTION**

23 **FALSE IMPRISONMENT (42 U.S.C. § 1983)**

24 **AGAINST ALL DEFENDANTS**

25 57. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
26 though set forth in full herein.

27 58. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
28 hereto, DECEDENT was wrongfully held against his will beyond the maximum commitment time of

1 imprisonment DECEDENT could receive had he been convicted of the most serious offense for which  
2 he was charged – in this case a felony charge of violating Penal Code § 594 (Vandalism).

3 59. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
4 hereto, the wrongful detainment of DECEDENT beyond the maximum commitment time of two (2) years  
5 following his arrest physically harmed and, in fact, led to his tragic death.

6 60. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
7 hereto, Defendants' conduct was a substantial factor in causing DECEDENT's physician pain, injuries,  
8 and tragic death.

9 61. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
10 hereto, DECEDENT was harmed by Defendants' false imprisonment, and that Defendants are responsible  
11 for this harm because they were part of a conspiracy to commit false imprisonment against the public. As  
12 described hereinabove, based on information and belief, Defendants intended that the act of false  
13 imprisonment be committed against DECEDENT.

14 62. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
15 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
16 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
17 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
18 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
19 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

20 63. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
21 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
22 burial expenses in an amount to be stated according to proof at the time of trial.

23 64. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
24 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
25 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
26 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
27 to a sum in excess of the jurisdictional minimum of this Court.

28 ///



1 **THIRD CAUSE OF ACTION**

2 **VIOLATION OF SUBSTANTIVE DUE PROCESS (42 U.S.C. § 1983)**

3 **AGAINST ALL DEFENDANTS**

4 65. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
5 though set forth in full herein.

6 66. DECEDENT had a cognizable interest under the Due Process Clause of the Fourteenth  
7 Amendment of the United States Constitution to be free from state actions that deprive them of life,  
8 liberty, or property in such a manner as to shock the conscience by being deliberately indifferent to the  
9 constitutional rights of the DECEDENT and/or by being a purpose to harm unrelated to any legitimate  
10 law enforcement objective, including but not limited to unwarranted state interference in the life, safety  
11 and health of DECEDENT.

12 67. The aforementioned actions of Defendants, along with other undiscovered conduct,  
13 violated the Due Process Clause of the Fourteenth Amendment, shocked the conscience and interfered  
14 with the life, safety and health of DECEDENT, in that said Defendants had time to deliberate and then  
15 used excessive force that was deliberately indifferent to the constitutional rights of the DECEDENT  
16 and/or shocks the conscience and with a purpose to harm unrelated to any legitimate law enforcement  
17 objective in violation of 42 U.S.C. § 1983, which resulted in violation of the constitutional rights of  
18 DECEDENT.

19 68. Defendants thus violated the substantive due process rights of DECEDENT to be free from  
20 unwarranted interference with his right to life, safety and health and Plaintiffs claim all damages as  
21 previously set forth hereinabove.

22 69. Plaintiffs bring this claim for the violation of DECEDENT's constitutional rights.  
23 Plaintiffs by this action further claim all of Plaintiffs' attorneys' fees and costs incurred and to be incurred  
24 in presenting, maintaining and prosecuting this action under 42 U.S.C. § 1988.

25 ///

26 ///

27 ///

28 ///

**FOURTH CAUSE OF ACTION**

**DENIAL OF MEDICAL CARE (GOVT. CODE § 845.6)**

**AGAINST ALL DEFENDANTS**

70. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as though set forth in full herein.

71. Defendants failed to provide the necessary mental health and medical care to DECEDENT despite him being a suicide risk, being advised he should be under suicide watch, and exhibiting at risk behavior. Defendants further failed to provide adequate safety checks and provide adequate mental health services to further evaluate DECEDENT's mental health. Further, while in the custody of Defendants, DECEDENT sustained severe injuries, was denied visitation with family, and ultimately died while in custody of Defendants on June 6, 2023 after being found unresponsive in his cell. Moreover, toxicology results indicate that the DECEDENT was not medicated according to the aftercare instructions and medication list provided by Metropolitan State Hospital upon discharge.

72. Accordingly, Defendants failed to provide DECEDENT with reasonable medical care, in violation of California Government Code § 845.6.

73. The conduct of Defendants, and each of them, was done within the course and scope of their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

74. Defendants' actions and inactions were motivated by evil motive or intent, involved reckless or callous indifference to rights, or were wantonly or oppressively done.

75. DECEDENT was injured as a direct and proximate result of Defendants' actions and inactions, entitling Plaintiffs to receive compensatory damages against Defendants.

76. By virtue of their misconduct, Defendants are liable for DECEDENT's injuries, either because these Defendants were integral participants in the denial of DECEDENT's medical care, or because they failed to intervene to prevent these violations.

77. Defendants knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury or the unnecessary and wanton infliction of pain, but nevertheless

1 disregarded his serious medical needs, causing him great bodily harm, physical pain and suffering, and  
2 emotional pain and suffering.

3 78. Plaintiffs, by this action, further claim all of their attorneys' fees and costs incurred and to  
4 be incurred in Plaintiffs presenting, maintaining and prosecuting this action under 42 U.S.C. § 1988.

5  
6 **FIFTH CAUSE OF ACTION**

7 **VIOLATION OF THE TOM BANE CIVIL RIGHTS ACT (CIVIL CODE § 52.1)**

8 **AGAINST ALL DEFENDANTS**

9 83. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
10 though set forth in full herein.

11 79. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned  
12 herein, Defendants, and each of them, intentionally interfered by threats, intimidation and/or coercion,  
13 with the exercise and enjoyment by DECEDENT, prior to his death, of rights secured by the Constitution  
14 of the United States and the State of California, including interference with his rights to be secure in his  
15 person and free from the use of excessive force, unreasonable harassment or detention without reasonable  
16 suspicion and probable cause, and the right of protection from bodily restraint and harm.

17 80. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned  
18 herein, Defendants, and each of them, made threats of violence against DECEDENT, causing him to  
19 reasonably believe that if he exercised his rights guaranteed to him by the Constitutions of the United  
20 States and the State of California, and under Civil Code § 52.1, including, but not limited, his right to be  
21 secure in his person and free from the use of excessive force, the right of protection from bodily restraint  
22 and harm, unreasonable harassment or detention without reasonable suspicion and probable cause, the  
23 right to due process, and equal protection, Defendants would commit violence against him and/or his  
24 property. Furthermore, Plaintiffs are informed, believe, and thereon allege that at all times relevant and  
25 mentioned herein, Defendants had the apparent ability to carry out these threats.

26 81. Plaintiffs are also informed, believe, and thereon allege that at all times relevant and  
27 mentioned herein, Defendants, and each of them, acted violently against DECEDENT to prevent him  
28 from exercising his rights guaranteed to him by the Constitutions of the United States and the State of

1 California, and under Civil Code § 52.1, including, but not limited, his right to be secure in his person  
2 and free from the use of excessive force, the right of protection from bodily restraint and harm, the right  
3 to due process, and equal protection. Furthermore, Plaintiffs are informed, believe, and thereon allege  
4 that at all times relevant and mentioned herein, Defendants acted violently to retaliate against  
5 DECEDENT for having exercised his aforementioned rights.

6 82. Plaintiffs are informed, believe, and thereon allege that at all times relevant and mentioned  
7 herein, Defendants' conduct was a substantial factor in causing the tragic death of DECEDENT.

8 83. The conduct of Defendants, and each of them, was done within the course and scope of  
9 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
10 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
11 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

12 84. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
13 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
14 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
15 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
16 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
17 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

18 85. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
19 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
20 burial expenses in an amount to be stated according to proof at the time of trial.

21 86. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
22 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
23 in a survival action, pursuant to California Code of Civil Procedure § 377.34. In addition, Plaintiffs seek  
24 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
25 to a sum in excess of the jurisdictional minimum of this Court.

26 87. In addition to and/or in lieu of Plaintiffs' election, Plaintiffs are entitled to receive and  
27 hereby seeks statutory damages pursuant to Civil Code § 52(b), including actual and exemplary  
28 damages.



1        88. Pursuant to Civil Code § 52.1(b), Plaintiffs request an award of attorneys' fees in  
2 prosecuting this action.

3  
4                                    **SIXTH CAUSE OF ACTION**

5                    **FALSE IMPRISONMENT (GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW)**

6                                    **AGAINST ALL DEFENDANTS**

7        89. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
8 though set forth in full herein.

9        90. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
10 hereto, DECEDENT was wrongfully held against his will beyond the maximum commitment time of  
11 imprisonment DECEDENT could receive had he been convicted of the most serious offense for which  
12 he was charged – in this case a felony charge of violating Penal Code § 594 (Vandalism).

13        91. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
14 hereto, the wrongful detainment of DECEDENT beyond the maximum commitment time of two (2) years  
15 following his arrest physically harmed and, in fact, led to his tragic death.

16        92. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
17 hereto, Defendants' conduct was a substantial factor in causing DECEDENT's physician pain, injuries,  
18 and tragic death.

19        93. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
20 hereto, DECEDENT was harmed by Defendants' false imprisonment, and that Defendants are responsible  
21 for this harm because they were part of a conspiracy to commit false imprisonment against the public. As  
22 described hereinabove, based on information and belief, Defendants intended that the act of false  
23 imprisonment be committed against DECEDENT.

24        94. The conduct of Defendants, and each of them, was done within the course and scope of  
25 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
26 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
27 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

28 ///

1        95. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
 2 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
 3 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
 4 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
 5 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
 6 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

7        96. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 8 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
 9 burial expenses in an amount to be stated according to proof at the time of trial.

10        97. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 11 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
 12 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
 13 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
 14 to a sum in excess of the jurisdictional minimum of this Court.

15  
 16                                    **SEVENTH CAUSE OF ACTION**

17                                    **UNNECESSARY DELAY IN RELEASING INMATE**

18                                    **(GOV. CODE §§ 815.2 & 820 AND CA COMMON LAW)**

19                                    **AGAINST ALL DEFENDANTS**

20        98. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
 21 though set forth in full herein.

22        99. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
 23 hereto, DECEDENT was wrongfully and unnecessarily held in custody against his will beyond the  
 24 maximum commitment time of imprisonment DECEDENT could receive had he been convicted of the  
 25 most serious offense for which he was charged – in this case a felony charge of violating Penal Code §  
 26 594 (Vandalism).

27        ///

28        ///

1           100. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
2 hereto, the wrongful detainment of DECEDENT beyond the maximum commitment time of two (2) years  
3 following his arrest physically harmed and, in fact, led to his tragic death.

4           101. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
5 hereto, Defendants' unnecessary delay in releasing DECEDENT from custody was a substantial factor in  
6 causing DECEDENT's physician pain, injuries, and tragic death.

7           102. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
8 hereto, DECEDENT was harmed by Defendants' unnecessary delay in releasing him, and that Defendants  
9 are responsible for this harm. As described hereinabove, based on information and belief, Defendants  
10 intended to unnecessarily and wrongfully delay the release of DECEDENT from custody.

11           103. The conduct of Defendants, and each of them, was done within the course and scope of  
12 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
13 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
14 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

15           104. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
16 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
17 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
18 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
19 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
20 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

21           105. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
22 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
23 burial expenses in an amount to be stated according to proof at the time of trial.

24           106. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
25 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
26 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
27 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
28 to a sum in excess of the jurisdictional minimum of this Court.

**EIGHTH CAUSE OF ACTION**

**BATTERY (GOV. CODE §§ 815.2 AND 820 AND CALIFORNIA COMMON LAW)**

**AGAINST ALL DEFENDANTS**

107. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as though set forth in full herein.

108. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant hereto, Defendants used unreasonable and excessive force against DECEDENT with the intent to harm DECEDENT.

109. Plaintiffs are informed and believe, and based thereon allege, that while in the custody of Defendants, DECEDENT sustained severe injuries and ultimately died while in custody of Defendants on June 6, 2023 after being found unresponsive in his cell.

110. According to the Autopsy Report pertaining to DECEDENT, the autopsy findings show that DECEDENT had abrasions/bruises on his forehead, nose, and lips; petechiae on his left sclera, conjunctiva, and upper chest; abrasions/bruises to his left armpit; and small abrasions/cuts on his left-hand knuckles.

111. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant hereto, the wrongful detainment of DECEDENT beyond the maximum commitment time of two (2) years following his arrest physically harmed and, in fact, led to his tragic death.

112. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant hereto, Defendants' conduct was a substantial factor in causing DECEDENT's physician pain, injuries, and tragic death.

113. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant hereto, DECEDENT was harmed by Defendants' battery, and that Defendants are responsible for this harm because they were part of a conspiracy to commit battery against the public. As described hereinabove, based on information and belief, Defendants intended that the act of battery be committed against DECEDENT.

114. The conduct of Defendants, and each of them, was done within the course and scope of their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES



1 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
2 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

3 115. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
4 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
5 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
6 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
7 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
8 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

9 116. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
10 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
11 burial expenses in an amount to be stated according to proof at the time of trial.

12 117. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
13 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
14 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
15 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
16 to a sum in excess of the jurisdictional minimum of this Court.

17  
18 **NINTH CAUSE OF ACTION**

19 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

20 **(GOV. CODE §§ 815.2 AND 820 AND CALIFORNIA COMMON LAW)**

21 **AGAINST ALL DEFENDANTS**

22 118. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
23 though set forth in full herein.

24 119. Defendants, and each of them, engaged in outrageous conduct, with intent or reckless  
25 disregard of the probability that DECEDENT would suffer emotional distress and he did suffer severe  
26 emotional distress, including, among other actions, by detaining DECEDENT beyond the legally  
27 permissible maximum commitment period following his arrest, failing to appropriately assess and  
28 evaluate DECEDENT's mental health and suicide risk, failing to take appropriate and timely suicide

1 prevention measures, failing to provide appropriate mental health treatment, failing to provide appropriate  
2 and necessary psychiatric medications and ensuring compliance with those medications.

3 120. Defendants' conduct was a substantial factor in causing DECEDENT's severe emotional  
4 distress.

5 121. The conduct of Defendants, and each of them, was done within the course and scope of  
6 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
7 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
8 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

9 122. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
10 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
11 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
12 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
13 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
14 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

15 123. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
16 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
17 burial expenses in an amount to be stated according to proof at the time of trial.

18 124. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
19 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
20 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
21 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
22 to a sum in excess of the jurisdictional minimum of this Court.

23  
24 **TENTH CAUSE OF ACTION**

25 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS (GOV. CODE § 815.2)**

26 **AGAINST ALL DEFENDANTS**

27 125. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
28 though set forth in full herein.

1           126. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
2 hereto, Defendants, and each of them, owed a duty of care to all reasonably foreseeable people, including  
3 Plaintiffs and DECEDENT. This duty involved conducting their law enforcement responsibilities  
4 reasonably, which includes, but not limited to, not detaining DECEDENT beyond the legally permissible  
5 maximum commitment period following his arrest, appropriately assessing and evaluating  
6 DECEDENT's mental health and suicide risk, taking appropriate and timely suicide prevention measures,  
7 providing appropriate mental health treatment, providing appropriate and necessary psychiatric  
8 medications and ensuring compliance with those medications.

9           127. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
10 hereto, Defendants, and each of them, carelessly and negligently carried out their law enforcement duties,  
11 and with willful and conscious disregard breached the aforesaid duties owed to Plaintiffs and  
12 DECEDENT as follows:

- 13           a. Defendants, and each of them, detained DECEDENT against his will beyond the  
14           legally permissible maximum commitment period following his arrest.
- 15           b. On or about May 1, 2023, the DECEDENT was transferred back into the custody of  
16           the Defendants, LASD and LACDMH. He had been prescribed various medications  
17           by the Metropolitan State Hospital, a fact that both LASD and LACDMH were fully  
18           aware of when they assumed responsibility for his custody, care, and control on that  
19           date. Furthermore, LASD and LACDMH had received discharge instructions from  
20           Metropolitan State Hospital, which included aftercare directions and emphasized the  
21           necessity to continue the decedent's medications.
- 22           c. Thereafter, DECEDENT was not given proper medical care by COUNTY and its  
23           various departments, including LASD and LACDMH, who are responsible for the  
24           administration of healthcare to inmates within its custody.
- 25           d. While in the custody of Defendants, DECEDENT sustained severe injuries, was  
26           denied visitation with family, and ultimately died while in custody of Defendants on  
27           June 6, 2023 after being found unresponsive in his cell. Toxicology results indicate  
28

1 that the DECEDENT was not medicated according to the aftercare instructions and  
2 medication list provided by Metropolitan State Hospital upon discharge.

3 e. According to the Autopsy Report pertaining to DECEDENT, the autopsy findings  
4 show that DECEDENT had abrasions/bruises on his forehead, nose, and lips;  
5 petechiae on his left sclera, conjunctiva, and upper chest; abrasions/bruises to his left  
6 armpit; and small abrasions/cuts on his left-hand knuckles.

7 f. Defendants, and each of them, failed to recognize DECEDENT's signs of distress.

8 g. Defendants, and each of them, failed to adopt the minimum policies, procedures, and  
9 training necessary to ensure identification or response to an inmate in crisis.

10 h. Defendants, and each of them, ignored the duties of medical/mental health staff to treat  
11 and monitor DECEDENT's altered mental status.

12 i. Defendants, and each of them, failed to complete adequate welfare checks.

13 j. Defendants, and each of them, also failed to appropriately supervise, review, and  
14 ensure the competence of medical/mental health staff's and custody staff's provision  
15 of treatment to DECEDENT, and failed to enact appropriate standards and procedures  
16 that would have prevented such harm to him.

17 128. As a result, DECEDENT and Plaintiffs have suffered serious emotional distress, including  
18 but not limited to, suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, depression,  
19 humiliation, and shock.

20 129. Defendants' actions were a substantial factor in causing DECEDENT's serious emotional  
21 distress.

22 130. The conduct of Defendants, and each of them, was done within the course and scope of  
23 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
24 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
25 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

26 131. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
27 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
28 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of

1 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
 2 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
 3 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

4 132. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 5 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
 6 burial expenses in an amount to be stated according to proof at the time of trial.

7 133. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 8 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
 9 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
 10 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
 11 to a sum in excess of the jurisdictional minimum of this Court.

12  
 13 **ELEVENTH CAUSE OF ACTION**

14 **NEGLIGENCE (GOV. CODE § 815.2)**

15 **AGAINST ALL DEFENDANTS**

16 134. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
 17 though set forth in full herein.

18 135. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
 19 hereto, Defendants, and each of them, owed a duty of care to all reasonably foreseeable people, including  
 20 Plaintiffs and DECEDENT. This duty involved conducting their law enforcement responsibilities  
 21 reasonably, which includes, but not limited to, not detaining DECEDENT beyond the legally permissible  
 22 maximum commitment period following his arrest, appropriately assessing and evaluating  
 23 DECEDENT's mental health and suicide risk, taking appropriate and timely suicide prevention measures,  
 24 providing appropriate mental health treatment, providing appropriate and necessary psychiatric  
 25 medications and ensuring compliance with those medications.

26 136. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
 27 hereto, Defendants, and each of them, carelessly and negligently carried out their law enforcement duties,  
 28



1 and with willful and conscious disregard breached the aforesaid duties owed to DECEDENT and  
2 Plaintiffs as follows:

- 3 a. Defendants, and each of them, detained DECEDENT against his will beyond the  
4 legally permissible maximum commitment period following his arrest.
- 5 b. On or about May 1, 2023, the DECEDENT was transferred back into the custody of  
6 the Defendants, LASD and LACDMH. He had been prescribed various medications  
7 by the Metropolitan State Hospital, a fact that both LASD and LACDMH were fully  
8 aware of when they assumed responsibility for his custody, care, and control on that  
9 date. Furthermore, LASD and LACDMH had received discharge instructions from  
10 Metropolitan State Hospital, which included aftercare directions and emphasized the  
11 necessity to continue the decedent's medications.
- 12 c. Thereafter, DECEDENT was not given proper medical care by COUNTY and its  
13 various departments, including LASD and LACDMH, who are responsible for the  
14 administration of healthcare to inmates within its custody.
- 15 d. While in the custody of Defendants, DECEDENT sustained severe injuries, was  
16 denied visitation with family, and ultimately died while in custody of Defendants on  
17 June 6, 2023 after being found unresponsive in his cell. Toxicology results indicate  
18 that the DECEDENT was not medicated according to the aftercare instructions and  
19 medication list provided by Metropolitan State Hospital upon discharge.
- 20 e. According to the Autopsy Report pertaining to DECEDENT, the autopsy findings  
21 show that DECEDENT had abrasions/bruises on his forehead, nose, and lips;  
22 petechiae on his left sclera, conjunctiva, and upper chest; abrasions/bruises to his left  
23 armpit; and small abrasions/cuts on his left-hand knuckles.
- 24 f. Defendants, and each of them, failed to recognize DECEDENT's signs of distress.
- 25 g. Defendants, and each of them, failed to adopt the minimum policies, procedures, and  
26 training necessary to ensure identification or response to an inmate in crisis.
- 27 h. Defendants, and each of them, ignored the duties of medical/mental health staff to treat  
28 and monitor DECEDENT's altered mental status.

1 i. Defendants, and each of them, failed to complete adequate welfare checks.

2 j. Defendants, and each of them, also failed to appropriately supervise, review, and  
3 ensure the competence of medical/mental health staff's and custody staff's provision  
4 of treatment to DECEDENT, and failed to enact appropriate standards and procedures  
5 that would have prevented such harm to him.

6 137. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
7 hereto, said careless, negligent, reckless, and unlawful conduct by Defendants, and each of them, was the  
8 direct, legal, and proximate cause of the death of DECEDENT, and the resulting damages to Plaintiffs  
9 herein alleged.

10 138. Plaintiffs are informed and believe, and based thereon allege, that at all times relevant  
11 hereto, DECEDENT was harmed by Defendants' negligence, and that Defendants are responsible for this  
12 harm because they were part of a conspiracy to commit negligence against the public.

13 139. Defendants' negligence was a substantial factor in causing DECEDENT's physician pain,  
14 injuries, and tragic death, and Plaintiffs' resulting damages.

15 140. The conduct of Defendants, and each of them, was done within the course and scope of  
16 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
17 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
18 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

19 141. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
20 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
21 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
22 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
23 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
24 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

25 142. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
26 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
27 burial expenses in an amount to be stated according to proof at the time of trial.

28 ///

1           143. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 2 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
 3 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
 4 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
 5 to a sum in excess of the jurisdictional minimum of this Court.

6  
 7 **TWELFTH CAUSE OF ACTION**

8 **NEGLIGENT HIRING/SUPERVISION/RETENTION OF EMPLOYEE (GOV. CODE § 815.2)**

9 **AGAINST ALL DEFENDANTS**

10           144. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
 11 though set forth in full herein.

12           145. Defendants, and each of them, had a duty to hire, supervise, train, and retain employees  
 13 and/or agents so that employees and/or agents refrain from the conduct and/or omissions alleged herein.

14           146. Defendants, and each of them, breached this duty by negligently hiring employees and/or  
 15 agents who were unfit or incompetent to perform the work for which they were hired to do, causing the  
 16 conduct alleged herein. Such breach constituted negligent hiring, supervision, training, and retention  
 17 under the laws of the State of California.

18           147. As evidenced by the conduct and/or omissions alleged herein, Defendants knew or should  
 19 have known that their employees and/or agents were unfit or incompetent to perform the work for which  
 20 they were hired to do, and that their unfitness and/or incompetence created a particular risk to others,  
 21 including DECEDENT.

22           148. As a direct and proximate result of the conduct of Defendants, and each of them,  
 23 DECEDENT endured pain, suffering, physical injury and emotional distress prior to his death as alleged  
 24 herein.

25           149. Defendants were negligent in hiring, supervising, training, and retaining their employees  
 26 and/or agents under the laws of the State of California, and Defendants' negligence was a substantial  
 27 factor in causing DECEDENT's physician pain, injuries, and tragic death, and Plaintiffs' resulting  
 28 damages.

1           150. The conduct of Defendants, and each of them, was done within the course and scope of  
 2 their employment agency and/or service with Defendants COUNTY, LASD, and LACDMH, and DOES  
 3 1-50, inclusive, and under color of their authority, and Defendants, and each of them, are therefore  
 4 vicariously liable for the same under Government Code §§ 815.2, 815.3, and 820.

5           151. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
 6 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
 7 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
 8 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
 9 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
 10 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

11           152. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 12 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
 13 burial expenses in an amount to be stated according to proof at the time of trial.

14           153. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
 15 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
 16 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
 17 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
 18 to a sum in excess of the jurisdictional minimum of this Court.

19  
 20                                   **THIRTEENTH CAUSE OF ACTION**

21                                   **WRONGFUL DEATH & SURVIVAL**

22                                   **AGAINST ALL DEFENDANTS**

23           154. Plaintiffs re-allege and incorporate by reference each of the foregoing paragraphs as  
 24 though set forth in full herein.

25           155. DECEDENT's death was a direct and proximate result of the aforementioned wrongful  
 26 and/or negligent acts and/or omissions of Defendants, and each of them. Defendants' acts and/or  
 27 omissions thus were also a direct and proximate cause of Plaintiffs' injuries and damages, as alleged  
 28 herein.

1           156. Defendants failed to provide the necessary mental health and medical care to DECEDENT  
2 despite him being a suicide risk, being advised he should be under suicide watch, and exhibiting at risk  
3 behavior. Defendants further failed to provide adequate safety checks and provide adequate mental health  
4 services to further evaluate DECEDENT's mental health. Further, while in the custody of Defendants,  
5 DECEDENT sustained severe injuries, was denied visitation with family, and ultimately died while in  
6 custody of Defendants on June 6, 2023 after being found unresponsive in his cell. Moreover, toxicology  
7 results indicate that the DECEDENT was not medicated according to the aftercare instructions and  
8 medication list provided by Metropolitan State Hospital upon discharge. As a direct and proximate result  
9 of the conduct of Defendants, and each of them, DECEDENT endured pain, suffering, physical injury  
10 and emotional distress prior to his death as alleged herein.

11           157. As a direct and proximate result of the conduct of Defendants, and each of them,  
12 DECEDENT endured pain, suffering, physical injury and emotional distress prior to his death that  
13 survived his death, for which Plaintiffs bring this survival action pursuant to California Code of Civil  
14 Procedure § 377.34.

15           158. As a legal, direct, and proximate result of the negligence, carelessness, and/or violation of  
16 law by Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss of love,  
17 companionship, comfort, care, assistance, protection, affection, society, and support, expectations of  
18 future support, and counseling, companionship, solace and mental support, as well as other benefits and  
19 assistance, of their respective DECEDENT, all to their general damages in a sum in excess of the  
20 jurisdictional limits of this Court, which will be stated according to proof at the time of trial.

21           159. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
22 Plaintiffs, and each of them, have incurred economic losses, including, but not limited to, funeral and  
23 burial expenses in an amount to be stated according to proof at the time of trial.

24           160. As a legal, direct, and proximate result of the conduct of Defendants, and each of them,  
25 Plaintiffs, as successors-in-interest to DECEDENT, hereby seek all damages according to DECEDENT  
26 in a survival action, pursuant to California Code of Civil Procedure § 377.34, In addition, Plaintiffs seek  
27 all damages under the Bane Act, including but not limited to, attorneys' fees. All of said damages combine  
28 to a sum in excess of the jurisdictional minimum of this Court.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs seek judgment against Defendants, and each of them, in an amount according to proof as follows:

1. For compensatory damages, for personal injuries sustained, including but not limited to past medical bills, past loss of wages, future medical expenses, and future loss of wages/earnings capacity, in an amount according to proof at the time of trial;

2. For general damages, for past and future pain, suffering, disfigurement, physical impairment, inconvenience, humiliation, mental suffering and emotional distress, anxiety, fear, loss of enjoyment of life and all other noneconomic damages allowed by law in an amount according to proof at the time of trial;

3. For pre-judgment and post-judgment interest;

4. For wrongful death damages, which include, but are not limited to:

a. Financial support, if any, that DECEDENT would have contributed to the family during either the life expectancy that DECEDENT had before his death or the life expectancy of Plaintiffs, whichever is shorter;

b. The loss of gifts or benefits that Plaintiffs would have expected to receive from DECEDENT;

c. Funeral and burial expenses;

d. Reasonable value of household services that DECEDENT would have provided; and

e. Loss of DECEDENT's love, companionship, comfort, care, assistance, protection, affection, society, moral support;

5. For reasonable costs of this suit and attorneys' fees, including pursuant to 42 U.S.C. § 1988 and Civil Code § 52.1(b);

6. For all other damages allowed under federal and state law; and

7. For such further other relief as the Court may deem just, proper, and appropriate.

///

///

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1 DATED: May 21, 2024

LAW OFFICES OF RAMIN R. YOUNESSI  
A PROFESSIONAL LAW CORPORATION

2  
3 By:

Ramin R. Younessi, Esq.  
Attorney for Plaintiffs,  
GRACE RUBIO, INDIVIDUALLY FOR  
HERSELF AND AS SUCCESSOR-IN-  
INTEREST OF ERICK RUBIO, DECEASED;  
AND RICHARD CASTANEDA,  
INDIVIDUALLY FOR HIMSELF AND AS  
SUCCESSOR-IN-INTEREST OF ERICK  
RUBIO, DECEASED

4  
5  
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11 ///

12 **JURY TRIAL DEMANDED**

13 Plaintiff demands trial of all issues by jury.

14  
15 DATED: May 21, 2024

LAW OFFICES OF RAMIN R. YOUNESSI  
A PROFESSIONAL LAW CORPORATION

16  
17 By:

Ramin R. Younessi, Esq.  
Attorney for Plaintiffs,  
GRACE RUBIO, INDIVIDUALLY FOR  
HERSELF AND AS SUCCESSOR-IN-  
INTEREST OF ERICK RUBIO, DECEASED;  
AND RICHARD CASTANEDA,  
INDIVIDUALLY FOR HIMSELF AND AS  
SUCCESSOR-IN-INTEREST OF ERICK  
RUBIO, DECEASED

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Ramin R. Younessi, Esq. (175020)</b> <b>3435 Wilshire Blvd., Suite 2200, Los Angeles, CA 90010</b>		<b>FOR COURT USE ONLY</b>  <b>Electronically FILED by</b> <b>Superior Court of California,</b> <b>County of Los Angeles</b> <b>5/21/2024 5:12 PM</b> <b>David W. Slayton,</b> <b>Executive Officer/Clerk of Court,</b> <b>By Y. Ayala, Deputy Clerk</b>	
TELEPHONE NO.: 213-480-6200 FAX NO.: 213-480-6201 EMAIL ADDRESS: ryounessi@younessilaw.com ATTORNEY FOR (Name): Plaintiffs, GRACE RUBIO, et al.			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: <del>312 N. Spring Street</del> <b>STANLEY MOSK COURTHOUSE</b> MAILING ADDRESS: <del>312 N. Spring Street</del> <b>111 NORTH HILL STREET</b> CITY AND ZIP CODE: Los Angeles 90012 <b>LOS ANGELES, CA 90012</b> BRANCH NAME: <del>Spring Street Courthouse</del>			
CASE NAME: GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.			
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$35,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$35,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <b>24STCV12835</b>
		JUDGE: DEPT.:	

Items 1–6 below must be completed (see instructions on page 2).

<b>1. Check one box below for the case type that best describes this case:</b>		
<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PPD/WD (23) <b>Non-PI/PPD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PPD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Thirteen (13)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: May 21, 2024  
 Ramin R. Younessi, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET****CM-010**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES****Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability *(not asbestos or toxic/environmental)* (24)  
Medical Malpractice (45)  
Medical Malpractice—

Physicians & Surgeons  
Other Professional Health Care Malpractice

**Other PI/PD/WD (23)**

Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress

**Other PI/PD/WD****Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice *(not medical or legal)*  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract *(not unlawful detainer or wrongful eviction)*  
Contract/Warranty Breach—Seller  
Plaintiff *(not fraud or negligence)*  
Negligent Breach of Contract/Warranty

Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage *(not provisionally complex)* (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment *(non-domestic relations)*  
Sister State Judgment  
Administrative Agency Award *(not unpaid taxes)*  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint *(not specified above)* (42)  
Declaratory Relief Only  
Injunctive Relief Only *(non-harassment)*  
Mechanics Lien  
Other Commercial Complaint Case *(non-tort/non-complex)*  
Other Civil Complaint *(non-tort/non-complex)*

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition *(not specified above)* (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SHORT TITLE  
GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.

CASE NUMBER  
**24ST CV 12835**

## CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION

### (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

#### Applicable Reasons for Choosing Courthouse Location (Column C)

1. Class Actions must be filed in the Stanley Mosk Courthouse, Central District.	7. Location where petitioner resides.
2. Permissive filing in Central District.	8. Location wherein defendant/respondent functions wholly.
3. Location where cause of action arose.	9. Location where one or more of the parties reside.
4. Location where bodily injury, death or damage occurred.	10. Location of Labor Commissioner Office.
5. Location where performance required, or defendant resides.	11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection).
6. Location of property or permanently garaged vehicle.	

	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
Auto Tort	Auto (22)	<input type="checkbox"/> 2201 Motor Vehicle – Personal Injury/Property Damage/Wrongful Death	1, 4
	Uninsured Motorist (46)	<input type="checkbox"/> 4601 Uninsured Motorist – Personal Injury/Property Damage/Wrongful Death	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Other Personal Injury/ Property Damage/ Wrongful Death (23)	<input type="checkbox"/> 2301 Premise Liability (e.g., dangerous conditions of property, slip/trip and fall, dog attack, etc.)	1, 4
		<input type="checkbox"/> 2302 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, battery, vandalism, etc.)	1, 4
		<input type="checkbox"/> 2303 Intentional Infliction of Emotional Distress	1, 4
		<input checked="" type="checkbox"/> 2304 Other Personal Injury/Property Damage/Wrongful Death	1, ④
		<input type="checkbox"/> 2305 Elder/Dependent Adult Abuse/Claims Against Skilled Nursing Facility	1, 4
		<input type="checkbox"/> 2306 Intentional Conduct – Sexual Abuse Case (in any form)	1, 4



SHORT TITLE GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
		<input type="checkbox"/> 2307 Construction Accidents	1, 4
		<input type="checkbox"/> 2308 Landlord – Tenant Habitability (e.g., bed bugs, mold, etc.)	1, 4
Other Personal Injury/ Property Damage/ Wrongful Death	Product Liability (24)	<input type="checkbox"/> 2401 Product Liability (not asbestos or toxic/ environmental)	1, 4
		<input type="checkbox"/> 2402 Product Liability – Song-Beverly Consumer Warranty Act (CA Civil Code §§1790-1795.8) (Lemon Law)	1, 3, 5
	Medical Malpractice (45)	<input type="checkbox"/> 4501 Medical Malpractice – Physicians & Surgeons	1, 4
		<input type="checkbox"/> 4502 Other Professional Health Care Malpractice	1, 4
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> 0701 Other Commercial/Business Tort (not fraud or breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> 0801 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> 1301 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> 1601 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> 2501 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> 2502 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input type="checkbox"/> 3501 Other Non-Personal Injury/Property Damage Tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> 3601 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> 1501 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> 1502 Labor Commissioner Appeals	10
Contract	Breach of Contract / Warranty (06) (not insurance)	<input type="checkbox"/> 0601 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> 0602 Contract/Warranty Breach – Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> 0603 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> 0604 Other Breach of Contract/Warranty (no fraud/ negligence)	1, 2, 5
		<input type="checkbox"/> 0605 Breach of Rental/Lease Contract (COVID-19 Rental Debt)	2, 5
	Collections (09)	<input type="checkbox"/> 0901 Collections Case – Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> 0902 Other Promissory Note/Collections Case	5, 11
		<input type="checkbox"/> 0903 Collections Case – Purchased Debt (charged off consumer debt purchased on or after January 1, 2014)	5, 6, 11
		<input type="checkbox"/> 0904 Collections Case – COVID-19 Rental Debt	5, 11
	Insurance Coverage (18)	<input type="checkbox"/> 1801 Insurance Coverage (not complex)	1, 2, 5, 8

SHORT TITLE GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
<b>Contract</b> (Continued)	Other Contract (37)	<input type="checkbox"/> 3701 Contractual Fraud	1, 2, 3, 5
		<input type="checkbox"/> 3702 Tortious Interference	1, 2, 3, 5
		<input type="checkbox"/> 3703 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
<b>Real Property</b>	Eminent Domain/ Inverse Condemnation (14)	<input type="checkbox"/> 1401 Eminent Domain/Condemnation Number of Parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> 3301 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> 2601 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> 2602 Quiet Title	2, 6
		<input type="checkbox"/> 2603 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
<b>Unlawful Detainer</b>	Unlawful Detainer – Commercial (31)	<input type="checkbox"/> 3101 Unlawful Detainer – Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Residential (32)	<input type="checkbox"/> 3201 Unlawful Detainer – Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer – Post Foreclosure (34)	<input type="checkbox"/> 3401 Unlawful Detainer – Post Foreclosure	2, 6, 11
	Unlawful Detainer – Drugs (38)	<input type="checkbox"/> 3801 Unlawful Detainer – Drugs	2, 6, 11
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> 0501 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> 1101 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> 0201 Writ – Administrative Mandamus	2, 8
		<input type="checkbox"/> 0202 Writ – Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> 0203 Writ – Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> 3901 Other Writ/Judicial Review	2, 8
		<input type="checkbox"/> 3902 Administrative Hearing	2, 8
		<input type="checkbox"/> 3903 Parking Appeal	2, 8
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> 0301 Antitrust/Trade Regulation	1, 2, 8
	Asbestos (04)	<input type="checkbox"/> 0401 Asbestos Property Damage	1, 11
		<input type="checkbox"/> 0402 Asbestos Personal Injury/Wrongful Death	1, 11

SHORT TITLE GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Case Type	B Type of Action (check only one)	C Applicable Reasons (see Step 3 above)
<b>Provisionally Complex Litigation (Continued)</b>	Construction Defect (10)	<input type="checkbox"/> 1001 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> 4001 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> 2801 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> 3001 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> 4101 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> 2001 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> 2002 Abstract of Judgment	2, 6
		<input type="checkbox"/> 2004 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> 2005 Petition/Certificate for Entry of Judgment Unpaid Tax	2, 8
		<input type="checkbox"/> 2006 Other Enforcement of Judgment Case	2, 8, 9
<b>Miscellaneous Civil Complaints</b>	RICO (27)	<input type="checkbox"/> 2701 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (not specified above) (42)	<input type="checkbox"/> 4201 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> 4202 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> 4203 Other Commercial Complaint Case (non-tort/noncomplex)	1, 2, 8
		<input type="checkbox"/> 4204 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> 2101 Partnership and Corporation Governance Case	2, 8
	Other Petitions (not specified above) (43)	<input type="checkbox"/> 4301 Civil Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4302 Workplace Harassment with Damages	2, 3, 9
		<input type="checkbox"/> 4303 Elder/Dependent Adult Abuse Case with Damages	2, 3, 9
		<input type="checkbox"/> 4304 Election Contest	2
		<input type="checkbox"/> 4305 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> 4306 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> 4307 Other Civil Petition	2, 9

SHORT TITLE GRACE RUBIO, et al. v. COUNTY OF LOS ANGELES, et al.	CASE NUMBER
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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address, which is the basis for the filing location including zip code. (No address required for class action cases.)

REASON: <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11			ADDRESS: 441 Bauchet Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code of Civ. Proc., 392 et seq., and LASC Local Rule 2.3(a)(1)(E)]

Dated: 05/21/2024

(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form LASC CIV 109 (01/23).
5. Payment in full of the filing fee, unless there is a court order for waiver, partial or schedule payments.
6. A signed order appointing a Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court to issue a Summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the Summons and Complaint, or other initiating pleading in the case.

<b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp  <div style="text-align: center;"> <b>FILED</b>          Superior Court of California          County of Los Angeles  <b>05/21/2024</b>          David W. Slayton, Executive Officer / Clerk of Court          By: <u>Y. Ayala</u> Deputy       </div>
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		
<b>NOTICE OF CASE ASSIGNMENT</b>  <b>UNLIMITED CIVIL CASE</b>		
Your case is assigned for all purposes to the judicial officer indicated below.		CASE NUMBER: <b>24STCV12835</b>

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

	ASSIGNED JUDGE	DEPT	ROOM		ASSIGNED JUDGE	DEPT	ROOM
✓	Timothy Patrick Dillon	73					

Given to the Plaintiff/Cross-Complainant/Attorney of Record **David W. Slayton, Executive Officer / Clerk of Court**

on 05/22/2024  
 (Date)

By Y. Ayala, Deputy Clerk



## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

### **APPLICATION**

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

### **COMPLAINTS**

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

### **CROSS-COMPLAINTS**

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

### **STATUS CONFERENCE**

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

**This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.**

### **Class Actions**

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

### **\*Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.



## Superior Court of California, County of Los Angeles

### ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKAGE

**THE PLAINTIFF MUST SERVE THIS ADR INFORMATION PACKAGE ON EACH PARTY WITH THE COMPLAINT.**

**CROSS-COMPLAINANTS** must serve this ADR Information Package on any new parties named to the action with the cross-complaint.

#### **What is ADR?**

ADR helps people find solutions to their legal disputes without going to trial. The main types of ADR are negotiation, mediation, arbitration, and settlement conferences. When ADR is done by phone, videoconference or computer, it may be called Online Dispute Resolution (ODR). These alternatives to litigation and trial are described below.

#### **Advantages of ADR**

- **Saves Time:** ADR is faster than going to trial.
- **Saves Money:** Parties can save on court costs, attorney's fees, and witness fees.
- **Keeps Control** (with the parties): Parties choose their ADR process and provider for voluntary ADR.
- **Reduces Stress/Protects Privacy:** ADR is done outside the courtroom, in private offices, by phone or online.

#### **Disadvantages of ADR**

- **Costs:** If the parties do not resolve their dispute, they may have to pay for ADR, litigation, and trial.
- **No Public Trial:** ADR does not provide a public trial or decision by a judge or jury.

#### **Main Types of ADR**

1. **Negotiation:** Parties often talk with each other in person, or by phone or online about resolving their case with a settlement agreement instead of a trial. If the parties have lawyers, they will negotiate for their clients.
2. **Mediation:** In mediation, a neutral mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to try to create a settlement agreement that is acceptable to all. Mediators do not decide the outcome. Parties may go to trial if they decide not to settle.

#### **Mediation may be appropriate when the parties**

- want to work out a solution but need help from a neutral person.
- have communication problems or strong emotions that interfere with resolution.

#### **Mediation may not be appropriate when the parties**

- want a public trial and want a judge or jury to decide the outcome.
- lack equal bargaining power or have a history of physical/emotional abuse.

## How to Arrange Mediation in Los Angeles County

Mediation for **civil cases** is voluntary and parties may select any mediator they wish. Options include:

a. **The Civil Mediation Vendor Resource List**

If all parties in an active civil case agree to mediation, they may contact these organizations to request a "Resource List Mediation" for mediation at reduced cost or no cost (for selected cases).

- **ADR Services, Inc.** Assistant Case Manager Janet Solis, [janet@adrservices.com](mailto:janet@adrservices.com)  
(213) 683-1600
- **Mediation Center of Los Angeles** Program Manager [info@mediationLA.org](mailto:info@mediationLA.org)  
(833) 476-9145

**These organizations cannot accept every case and they may decline cases at their discretion.** They may offer online mediation by video conference for cases they accept. Before contacting these organizations, review important information and FAQs at [www.lacourt.org/ADR.Res.List](http://www.lacourt.org/ADR.Res.List)

**NOTE: The Civil Mediation Vendor Resource List program does not accept family law, probate, or small claims cases.**

- b. **Los Angeles County Dispute Resolution Programs.** Los Angeles County-funded agencies provide mediation services on the day of hearings in small claims, unlawful detainer (eviction), civil harassment, and limited civil (collections and non-collection) cases.  
<https://dcba.lacounty.gov/countywidedrp/>

**Online Dispute Resolution (ODR).** Parties in small claims and unlawful detainer (eviction) cases should carefully review the Notice and other information they may receive about (ODR) requirements for their case. <https://my.lacourt.org/odr/>

- c. Mediators and ADR and Bar organizations that provide mediation may be found on the internet.
3. **Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration, the arbitrator's decision is final; there is no right to trial. In "nonbinding" arbitration, any party can request a trial after the arbitrator's decision. For more information about arbitration, visit <https://www.courts.ca.gov/programs-adr.htm>
4. **Mandatory Settlement Conferences (MSC):** MSCs are ordered by the Court and are often held close to the trial date or on the day of trial. The parties and their attorneys meet with a judge or settlement officer who does not make a decision but who instead assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement. For information about the Court's MSC programs for civil cases, visit <https://www.lacourt.org/division/civil/CI0047.aspx>

Los Angeles Superior Court ADR website: <https://www.lacourt.org/division/civil/CI0109.aspx>

For general information and videos about ADR, visit <http://www.courts.ca.gov/programs-adr.htm>

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles <b>05/24/2024</b>
PLAINTIFF: Grace Rubio, as successor-in-interest of Erick Rubio, deceased et	David W. Slayton, Executive Officer / Clerk of Court	
DEFENDANT: County of Los Angeles, et al.	By: <u>D. Ortiz</u> Deputy	
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		CASE NUMBER: <b>24STCV12835</b>

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve this notice of hearing on all parties/attorneys of record forthwith, and meet and confer with all parties/attorneys of record about the matters to be discussed no later than 30 days before the Case Management Conference.

Your Case Management Conference has been scheduled at the courthouse address shown above on:

Date: 10/09/2024	Time: 8:30 AM	Dept.: 73
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NOTICE TO DEFENDANT: THE SETTING OF THE CASE MANAGEMENT CONFERENCE DOES NOT EXEMPT THE DEFENDANT FROM FILING A RESPONSIVE PLEADING AS REQUIRED BY LAW.

Pursuant to California Rules of Court, rules 3.720-3.730, a completed Case Management Statement (Judicial Council form # CM-110) must be filed at least 15 calendar days prior to the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference.

At the Case Management Conference, the Court may make pretrial orders including the following, but not limited to, an order establishing a discovery schedule; an order referring the case to Alternative Dispute Resolution (ADR); an order reclassifying the case; an order setting subsequent conference and the trial date; or other orders to achieve the goals of the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.)

Notice is hereby given that if you do not file the Case Management Statement or appear and effectively participate at the Case Management Conference, the Court may impose sanctions, pursuant to LASC Local Rule 3.37, Code of Civil Procedure sections 177.5, 575.2, 583.150, 583.360 and 583.410, Government Code section 68608, subdivision (b), and California Rules of Court, rule 2.2 et seq.

Dated: 05/24/2024



Timothy Patrick Dillon  
Judicial Officer

**CERTIFICATE OF SERVICE Timothy Patrick Dillon / Judge**

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below:

☒ by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid.

☐ by personally giving the party notice upon filing of the complaint.

Ramin Ray Younessi  
3435 Wilshire Boulevard  
Suite 2200  
Los Angeles, CA 90010

David W. Slayton, Executive Officer / Clerk of Court

Dated: 05/24/2024

By D. Ortiz  
Deputy Clerk